

REMARKS

Claims 1-5, 7-11, 13-18 and 20-22 are pending in the application.

Claims 1-5, 7-11, 13-18 and 20-22 were rejected.

Claims 1, 7, 14, 21 and 22 have been amended.

Reconsideration and allowance of claims 1-5, 7-11, 13-18 and 20-22 is respectfully requested in view of the following:

The Rejection of Claims 1-5, 7-11, 13-18 and 20-22 under 35 U.S.C. 112:

Claims 1-5, 7-11, 13-18 and 20-22 are rejected under 35 U.S.C. 112 first and second paragraphs, respectively, as failing to comply with the written description requirement and failing to set forth the subject matter which applicants regard as their invention. Claims 1, 7, 14, 21 and 22 have been amended and are submitted to overcome this rejection. The term "stress force" has been replaced with "a secondary force that is capable of warping the processor socket and results from the resilient load member applying the constant compressive force", supported in Applicants present disclosure at paragraph [0005] lines 7-15, paragraph [0007] lines 1-5, and paragraph [0008] lines 1-5. Applicants therefore respectfully submit that the rejection is overcome and should be withdrawn.

The Rejection of Claims 1, 2, 4, 5 and 22 as being unpatentable over Villanueva et al in view of Hopfer et al and the rejection of claims 3, 7-11, 13-18, 20 and 21 over Villanueva et al in view of Hopfer et al and in further view of Ma:

Claims 1, 2, 4, 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villanueva et al (U.S. 2005/0030718) ("Villanueva") in view of Hopfer et al (U.S. 5,761,036) ("Hopfer"). Claims 3, 7-11, 13-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villanueva in view of Hopfer and in further view of Ma (U.S. 6,791,847) ("Ma"). Applicants traverse these rejections on the grounds that these references are defective in establishing a *prima facie* case of obviousness.

Independent claims 1, 7, 14, 21 and 22 include: ...a curved resilient load member with a first end connected to one of the connector portions and a second end connected to another one of the connector portions, whereby the connection of the second end deforms the curved load member into a substantially parallel engagement with the processor and applies a constant compressive force to the processor sufficient to mate the processor with the processor socket

... the resilient load member having an opening formed therein permitting the processor to extend through the opening into contact with the heat sink, whereby a secondary force that is capable of warping the processor socket and results from the resilient load member applying the constant compressive force is not transferred to the processor socket.

As the PTO recognizes in MPEP §2142:

...The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness.....the Examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made.... The Examiner must put aside knowledge of the Applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'"

The combined references fail to teach or suggest the claimed combination as neither Villanueva nor Hopfer suggest a resilient load member that is operable to apply a constant compressive force to a processor sufficient to mate the processor with a processor socket without transferring a secondary force that is capable of warping the processor socket and results from the resilient load member applying the constant compressive force is not transferred to the processor socket. The Examiner argues that Villanueva discloses that "In the closed position, the processor retainer engages the CPU to apply a retaining force that maintains the CPU within the processor socket" (paragraph [0010] lines 7-10). The Applicants respectfully disagree that this discloses a resilient load member that is operable to apply a constant compressive force to a processor sufficient to mate the processor with a processor socket. Villanueva further states that "The lip along the inner diameter of the processor retainer opening 20 engages the outer diameter edge of the CPU 28 to restrict movement of CPU 28 from socket 30" (paragraph [0022] lines 4-7), and "Contact of lip 32 with CPU 28 provides a retaining force that retains processor in socket 30 even if upward force is applied to heat sink 34 and translated to CPU 28 by coupling of thermal grease between heat sink 34 and processor 28" (paragraph [0023], lines 5-9). The Villanueva disclosure is concerned with preventing a failure resulting from the heat sink being bonded to the processor with a thermal grease such that the processor pins may be pulled from the processor socket when the system experiences a shock event that causes the heat sink to exert high forces on the processor. The processor retainer of Villanueva simply provides "a retaining force" to "maintain" the processor in the processor socket and/or to "restrict movement" of the processor from the socket when a force is

applied to the heat sink that is transferred to the processor. Villanueva does not disclose applying a constant compressive force to the processor sufficient to mate the processor with the processor socket, as the processor of Villanueva is not of the type that requires a constant compressive force in order to mate with its processor socket.

In addition, Hopfer discloses an "IC package 12 (that) is retentively engaged within the socket body 14 with the use of a retention spring 16." However, the retention spring 16 disclosed by Hopfer is pivotally coupled to the socket body 14 such that a compressive force applied to the IC package 12 by the retention spring 16 will result in a secondary force that is capable of warping the socket body 14 and that can cause the socket body 14 to fail, which is the problem that the present disclosure is addressing.

Ma discloses nothing to remedy these deficiencies. It would not have been obvious by one of skill in the art to combine Villanueva and Hopfer as Hopfer creates the problem that the present disclosure solves and Villanueva simply addresses preventing the removal of a processor from a socket and not failure of the socket due to the force needed to keep the processor mated with the socket. Therefore, independent claims 1, 7, 14, 21 and 22 and claims dependent therefrom are submitted to be allowable for at least the reasons stated above.

Furthermore, there is simply no basis in the art for combining the references to support the 35 U.S.C. §103 rejections because none of the references teach or even suggest the desirability of the combination. Moreover, none of the references provide any incentive or motivation in supporting the desirability of the combination.

The MPEP §2143.01 provides:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

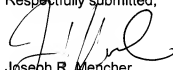
Hopfer provides no motivation in supporting the desirability of the combination as Hopfer creates the problem that the present disclosure solves. Villanueva provides no motivation in supporting the desirability of the combination as Villanueva simply addresses preventing the removal of a processor from a socket and not failure of the socket due to the force needed to keep the processor mated with the socket.

Therefore, the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in either reference for the combination.

Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met.

In view of the above, it is respectfully submitted that Claims 1-22 are in condition for allowance. Accordingly, an early Notice of Allowance for the remaining claims is courteously solicited.

Respectfully submitted,



Joseph R. Mencher
Registration No. 56,822

Dated: 1-8-07
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8459
Facsimile: 214/200-0853
ipdocketing@haynesboone.com

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS-Web, on the date indicated below:	
on	<u>January 8, 2007</u>
Dated	<u>Susan C. Lien</u>
Susan C. Lien	